

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

November 1, 2012

8:30 A.M. ROLL CALL

Invocation by Lead Pastor Kevin Foster of the Life Bridge Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the "SPCA Pet of the Month" – Acting President Xiong

Presentation of P.R.I.D.E. Team Certificates (***Reception immediately following – 2nd floor foyer***)

Proclamation of "FOOD DAY" – Mayor's Office

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of October 25, 2012

Action Taken:

Approve City of Fresno Successor Agency minutes of October 18, 2012

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve the appointment of Martha Elizabeth Hernandez to the Housing and Community Development Commission – Mayor's Office

Action Taken:

- B. Approve Amendment No. 1 to concession agreement for operation and maintenance of Camp Fresno and Camp Fresno Jr. at Dinkey Creek - PARCS

Action Taken:

- C. Approve request for waiver of a potential conflict of interest – City Attorney's Office

Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Authorize the Interim Director of the Development and Resource Management Department to extend the current Master Service Agreement No. 4400004295 between the City of Fresno and Pacific Gas and Electric (PG&E) Company until December 31, 2014 and receive \$5,600,000 in funding from the California Public Utilities Commission to implement and administer energy efficiency programs under the Local Government Partnership Program - Development and Resource Management Department

Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

B. Documents relating to completion of Downtown Plans and Code Project – Development and Resource Management Department

1. Confirm a finding of exigent circumstances authorizing execution of contracts without competitive bidding for, and authorize the City Manager or his or her designee to negotiate and execute, consultant contracts totaling \$713,627 in order to complete Downtown Plans and Code Project
Action Taken:
2. Approve a contract with Tony Perez Associates not to exceed \$84,769 and authorize the City Manager or his or her designee to execute documents
Action Taken:
3. Approve a contract with Fehr & Peers not to exceed \$53,800 and authorize the City Manager or his or her designee to execute documents
Action Taken:
4. Approve a contract with Historic Resources Group, LLC, not to exceed \$47,860 and authorize the City Manager or his or her designee to execute documents
Action Taken:
5. Approve a contract with Sherwood Design Engineers, Ltd. not to exceed \$13,068 and authorize the City Manager or his or her designee to execute documents
Action Taken:
6. Approve a contract with Michael Brandman Associates not to exceed \$514,130 and authorize the City Manager or his or her designee to execute documents
Action Taken:
7. * **RESOLUTION** - 24th amendment to Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$70,000 to complete the work on the Downtown Plans and Code Project **(Requires 5 affirmative votes)**
Action Taken:
8. Create contingency and authorization of payment to sub-consultants for outstanding claims to fulfill all obligations of the City under the Elizabeth Moule and Stefanos Polzyoides, Architects and Urbanists (MPA) contract
Action Taken:

3. **CITY COUNCIL**

A. Infill Development Act – Councilmember Brand

1. **RESOLUTION** – To establish the Infill Development Act to Institute Infill Development Policies
Action Taken:

B. Actions pertaining to a Public Safety Mediation Program – Councilmember Westerlund

1. **RESOLUTION** - Of the Council of the City of Fresno, California, establishing the Public Safety Mediation Program
Action Taken:
2. **RESOLUTION** - Of the Council of the City of Fresno, California, amending Resolution No. 2009-66 designating the Office of Independent Review to act as the Principal Administrator of the Public Safety Mediation Program
Action Taken:

4. **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a);

1. **Case Name:** Michael Orndoff v. City of Fresno and American All-Risk Loss Administrators
WCAB Nos.: ADJ6943593 (DOI: CT – 1/16/08) ADJ7380103 DOI: CT-03/24/10)
2. **Case Name:** Pamela Matthews v. City of Fresno, et al.

Action Taken:

B. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Government Code Section 54957

Title: Interim City Attorney

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1 **CONTINUED HEARING** regarding Fact Finding Report on City of Fresno and Amalgamated Transit Union, Local (ATU) 1027 Impasse – Personnel Services Department **(Continue to 3:00 p.m.)**
Action Taken:

10:00 A.M. #2 * **RESOLUTION** - To implement changes in wages, hours, and other terms and conditions of employment for City employees in Unit 06, represented by Amalgamated Transit Union, Local 1027 – Personnel Services Department

Action Taken:

- a. *** RESOLUTION** – 2nd amendment to Salary Resolution No. 2012-129 amending salaries in Exhibit 6, Amalgamated Transit Union (ATU)

Action Taken:

10:15 A.M. **JOINT MEETING WITH THE CITY OF FRESNO CULTURAL ARTS PROPERTIES CORPORATION**

Approve COFCAP minutes of October 18 and 25, 2012

(Members Olivier, Baines and Mayor Swearngin)

Action Taken:

- A.** Approve 6-month Exclusive Negotiation Agreement between the City of Fresno, City of Fresno Cultural Arts Properties, Inc., and Reza Assemi, an individual, for the potential sale of the historic (HP#164) PG&E/"Theatre 3" Building at 1544 Fulton Street (APN 466-145-07) to Reza Assemi – Development and Resource Management Department

Action Taken:

ADJOURN

3:00 P.M.#1 **CONTINUED HEARING** regarding Fact Finding Report on City of Fresno and Amalgamated Transit Union, Local (ATU) 1027 Impasse – Personnel Services Department **(Continued from 10:00 A.M.)**

Action Taken:

3:00 P.M. #2 * **RESOLUTION** - To implement changes in wages, hours, and other terms and conditions of employment for City employees in Unit 06, represented by Amalgamated Transit Union, Local 1027 – Personnel Services Department

Action Taken:

- b. *** RESOLUTION** – 2nd amendment to Salary Resolution No. 2012-129 amending salaries in Exhibit 6, Amalgamated Transit Union (ATU)

Action Taken:

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Dee Barnes, Fresno City Employees Association (FCEA) President, to discuss the issue of privatization of residential solid waste
2. Appearance by Paul D. Moore, Sr. to present a solution to the homeless situation
3. Appearance by Lucy Hendrix to discuss an experience she had with the Police Department and southeast Fresno

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Nov.	8 -	10:00 A.M.	HEARING to annex Final Tract Map No. 5447 and Final Tract Map No. 5815, Annexation No. 47, to City of Fresno Community Facilities District No. 11
Nov.	8 -	10:15 A.M.	HEARING re: adoption of updated 2010 Urban Water Management Plan
Nov.	8 -	10:30 A.M.	TEFRA HEARING relating to Casa Velasco
Nov.	15 -		NO MEETING – VETERANS DAY
Nov.	22 -		NO MEETING – THANKSGIVING WEEK
Nov.	29 -	10:00 A.M.	TEFRA HEARING relating to Plaza Mendoza
Dec.	6 -	10:00 A.M.	HEARING ordering the vacation of N. Barton Avenue between E. Pontiac Way and E. Hampton Way and E. Pontiac Way between N. Barton Avenue and State Route Freeway 168
Dec.	6 -	10:15 A.M.	HEARING - Approve the non-exclusive roll-off collection franchise to Clovis Recycling, Inc.
Dec.	13 -	8:30 A.M.	MEETING
Dec.	20 -	8:30 A.M.	MEETING
Dec.	27 -		NO MEETING – CHRISTMAS WEEK